

CHALOS, O'CONNOR & DUFFY, LLP  
Attorneys for Plaintiff,  
Padre Shipping, Inc.  
366 Main Street  
Port Washington, New York 11050  
Tel: (516) 767-3600  
Fax: (516) 767-3605  
Owen F. Duffy (OD-3144)  
George E. Murray (GM-4172)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
PADRE SHIPPING, INC.,

Plaintiff,

07 CV 9682 (JFK)

v.

YONG HE SHIPPING, also known as,  
YONG HE SHIPPING (HK) LIMITED;  
PROSPER SHIPPING LIMITED;  
SHANGHAI COSFAR SHIPPING  
INTERNATIONAL CO. LTD.;  
AEGEAN CARRIERS SA;  
GOLDED TAI SHIPPING LIMITED;  
SOUTH AEGEAN SHIPPING;  
OLD EASTERN MEDITERRANEAN CO., SA;  
CHANGSHU HOTHEART INTERNATIONAL  
SHIPPING AGENCY;  
TIANJIN PORTTRANS INTERNATIONAL  
SHIPPING AGENCY CO., LTD. and,  
LIANYUNGANG FAREAST INTERNATIONAL  
SHIPPING,

**DECLARATION OF  
OWEN F. DUFFY  
IN OPPOSITION TO  
MOTION TO VACATE  
THE ATTACHMENT**

Defendants.  
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This Declaration is executed by the attorney for the Plaintiff, PADRE SHIPPING in order to set forth, under penalty of perjury, the facts relevant to the Plaintiff's Opposition to the Defendant's Application pursuant to Admiralty Rule 4(E)(f) to Vacate Maritime Attachment.

Owen F. Duffy, hereby declares and states:

1. I am a partner of the firm of Chalos, O'Connor & Duffy, LLP representing Plaintiff, Padre Shipping, Inc. in the above-captioned matter.

2. I am a member in good standing of Bar of the State of New York, and I am a member of the Bar of this Honorable Court.

3. I am the attorney who is primarily responsible for the representation of the Plaintiff, Padre Shipping, Inc., in the captioned matter, and I am duly authorized to make this affirmation.

4. I make this affirmation based on my handling of this matter and from documents and information that have been provided to me by my client, Padre Shipping, Inc., and by its solicitors in the United Kingdom. Most importantly, I make this affirmation based on facts that I have personal knowledge of by reason of my involvement with the filing of suit against Padre Shipping, Inc. in New York, the request to this Court for issuance of Process of Maritime Attachment and the execution of the Process of Maritime Attachment on garnishees, Citibank, N.A. and Wachovia Bank National Association. Where these matters are based upon my own knowledge, they are true and where based upon sources identified within this affirmation, they are true to the best of my knowledge, information and belief.

5. I make this affirmation, pursuant to Supplemental Admiralty Rule E(4)(f), to show why the attachment of the defendant's property should not be vacated and why the

defendant, Tianjin Portrans International Shipping Agency Co., Ltd., should not be granted other relief consistent with the Supplemental Rules for Certain Admiralty and Maritime Claims.

6. On December 12, 2007, Citibank N.A. notified my law firm, Chalos, O'Connor & Duffy, LLP, by sending an email to my associate George E. Murray and paralegal Sara Manfro that it had restrained a payment pursuant to the Process of Maritime Attachment and Garnishment in this matter, and further that the payment was "originating from [defendant] Tianjin Portrans International Shipping Agency Co. Ltd. in the amount of \$558,449.33." *See*, Exhibit A, attached hereto.

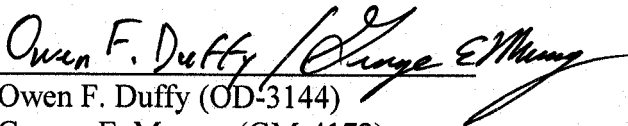
7. On December 6, 2007, Wachovia Bank National Association filed an Answer to Process of Maritime Attachment in this matter in which it stated that in response to the Order of Attachment in this matter, Wachovia Bank National Association had restrained is holding the sum of \$22,000.00 out of an Electronic Funds Transfer with the listed "beneficiary" as "TIANJIN PORTTRANS INTERNATIONAL SHIPPING AGENCY CO., LTD." *See*, Exhibit B, attached hereto.

8. Further, on January 14, 2008, Wachovia Bank National Association filed a Supplemental Answer to Process of Maritime Attachment in this matter in which it stated that in response to the Order of Attachment in this matter, Wachovia Bank National Association had restrained is holding an additional sum of \$985.00 out of an Electronic Funds Transfer with the listed "beneficiary" as "TIANJIN PORTTRANS INTERNATIONAL SHIPPING AGENCY CO., LTD." *See*, Exhibit C, attached hereto.

I do so declare under penalty of perjury under 28 U.S.C. § 1746 and the laws of the United States of America that the foregoing is true and correct.

Dated: Port Washington, New York  
January 25, 2008

CHALOS, O'CONNOR & DUFFY LLP  
Attorneys for Plaintiff, Padre Shipping, Inc.

By:   
Owen F. Duffy (OD-3144)  
George E. Murray (GM-4172)  
366 Main Street  
Port Washington, New York 11050  
Tel: 516-767-3600  
Telefax: 516-767-3605

# EXHIBIT A

**George Murray**

**From:** Mihalik, Mary B [mary.b.mihalik@citi.com]  
**Sent:** Wednesday, December 12, 2007 7:46 AM  
**To:** Sara Manfro; George Murray  
**Subject:** NOTICE OF PAYMENT REC'D BY CITIBANK RE: Padre Shipping, Inc. v. Yong He Shipping, et al.; S.D.N.Y. Index No.: 07 cv 9682 (JFK); Our ref.:500386.012  
**Importance:** High

Please be advised that Citibank has received a payment originating from **Tianjin Portrans International Shipping Agency Co. Ltd.** in the amount of \$558,449.33. We will continue to hold these funds until further notice from you.

**NOTE TO FTN UNIT: Please continue to hold funds.....thanks, mary**

---Original Tagged start---  
XFT811  
{1100} Message Disposition  
02P(Production) (Original) N(Normal)  
{1110} Acceptance Timestamp  
1211 1720 FT01  
{1120} OMAD  
20071211B1Q8024R006469 1211 1720 FT01  
{1510} Type/SubType Code  
16(Settlement Message) 00(Regular Tfr)  
{1520} IMAD  
20071211B1Q9121C000689  
{2000} Amount  
000055844933  
{3100} Sender DI  
026003269BK OF CHINA NYC  
{3320} Sender Reference  
071211MS96344600  
{3400} Receiver DI  
021000089CITIBANK NYC  
{3600} Business Function  
CTR(Customer Transfer)  
{3700} Charges  
BUSD156,12  
{3710} Instructed Amount  
USD558620,45  
{4100} Beneficiary's Bank  
U298375  
CHINA MERCHANTS BANK, HEAD OFFICE  
CHINA MERCHANTS BANK TOWER  
7088 SHENNAN BLVD.  
SHENZHEN, CHINA 518040  
{4200} Beneficiary  
DOSAO884518532001  
GOLDEN PACIFIC SEA(H.K)GROUP LTD  
{4320} Beneficiary's Reference  
071211MS96344600  
{5000} Originator  
D09313808094014  
TIANJIN PORTTRANS INTERNATIONAL  
SHIPPING AGENCY CO LTD

12/12/2007

B-1403 HAOWEI MANSION NO.8/3RD  
AVENUE TEDA TIANJIN CHINA

{5100} Originator's FI  
D070011000039  
BANK OF CHINA(TJ)  
TIANJIN BRANCH  
JIEFANG BEILU 80,  
TIANJIN, PEOPLE'S REPUBLIC OF CHINA

{5200} Instructing Bank  
D070011000012  
BANK OF CHINA  
HEAD OFFICE,  
1 FUXINGMEN NEI AVE  
BEIJING, 100818

{6000} ORG to BNF Info  
OCEAN FREIGHT

{6500} FI to FI Info  
/ACC/ BOC NY LESS COMM USD 15.00 /O  
CMT/USD558620,45/  
----Original Tagged end----

Mary B. Mihalik  
GCO-Litigation  
Citigroup Markets & Banking  
388 Greenwich St. / 17th Floor  
New York, NY 10013  
Tel: 1-212-816-6182  
Fax: 1-866-560-0633  
mary.b.mihalik@citi.com

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**From:** Sara Manfro [mailto:smanfro@codus-law.com]

**Sent:** Tuesday, December 11, 2007 9:30 AM

**To:** Mihalik, Mary B [CMB-GCO]; Corner, Rodd [CMB-GCO]

**Subject:** Padre Shipping, Inc. v. Yong He Shipping, et al.; S.D.N.Y. Index No.: 07 cv 9682 (JFK); Our ref.:500386.012

Dear Ms. Mihalik,

In accordance with the agreed procedure for effecting service of process of the Writ of Attachment against the assets of Defendant in the above-captioned case, we hereby serve the Order for Issuance of the Writ of Attachment and the Process of Maritime Attachment on garnishee Citibank. Please note that in accordance with the Court's Order, service of the Process of Attachment and Garnishment is deemed to be effective and continuous throughout the remainder of the day and continuous through the opening of your next business day.

Please keep us advised if any payments for the Defendants **Yong He Shipping, also known as Yong He Shipping (HK) Limited, Prosper Shipping Limited, Shanghai Cosfar Shipping International Co. Ltd., AGEAN CARRIERS, GOLDEN TAI SHIPPING LIMITED, SOUTH AGEAN SHIPPING, CHONGSHU HOTHEART INTERNATIONAL SHIPPING AGENCY, TIANJIN PORTTRANS INTERNATIONAL SHIPPING AGENCY CO., LTD., and/or LIANYUNGANG FAREAST INTERNATIONAL SHIPPING** are identified.

Best regards,

12/12/2007

George Murray

George E. Murray  
Associate  
Chalos O'Connor & Duffy LLP  
366 Main Street  
Port Washington, NY 11050  
Phone: 516-767-3600  
Fax: 516-767-3925  
email: gmurray@codus-law.com

12/12/2007



# EXHIBIT B

ROSNER NOCERA & RAGONE, LLP

110 Wall Street - 23<sup>rd</sup> Floor

New York, New York 10005

(212) 635-2244

Attorneys for Wachovia Bank, N.A.

-----X

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
PADRE SHIPPING, INC.

07-cv-09682 (JFK )

Plaintiff,

-against-

YONG HE SHIPPING a/k/a YONG HE SHIPPING  
(HK) LIMITED, TRIANGIEN PORTTRANS  
INTERNATIONAL SHIPPING AGENCY, PROSPER  
SHIPPING LIMITED, YONG HE SHIPPING (HK)  
LIMITED, SHANGHAI COSFAR SHIPPING  
INTERNATIONAL CO. LTD., AGEAN CARRIERS,  
GOLDEN TAI SHIPPING LIMITED, SOUTH  
AGEAN SHIPPING, CHANGSHU HOTHEART  
INTERNATIONAL SHIPPING AGENCY, TIANJIN  
PORTTRANS INTERNATIONAL SHIPPING  
AGENCY CO., LTD, and LIANYUNGANG FAREAST  
INTERNATIONAL SHIPPING

Defendants.

-----X

**ANSWER TO PROCESS OF MARITIME ATTACHMENT  
BY WACHOVIA BANK NATIONAL ASSOCIATION**

Wachovia Bank, National Association ("Wachovia"), as garnishee under a Process of  
Maritime Attachment dated December 6, 2007, as and for its Answer under FRCP Suppl.

Admiralty and Maritime Claims Rule B, sets forth as follows:

In response to the above referenced Order of Attachment, Wachovia has restrained and is  
holding the sum of \$22,000.00 out of an Electronic Funds Transfer in progress in the total  
amount of \$ 22,000.00. The details of such transaction are as follows:

\$ 22,000.00

Date -12/26/2007

Originator - KENT SHIPPING CO LTD KENT BLDG 130 WEN  
HWA RD SEC 2 WUCHI TAICHUNG TAIWAN, R.O.C.

Originating Bank - FAR EAST NATIONAL BANK LOS  
ANGELES CA

Beneficiary Bank - BANK OF CHINA TIANJIN BRANCH  
TIANJIN, CHINA CN

Beneficiary - TIANJIN PORTTRANS INTERNATIONAL  
SHIPPING AGENCY CO., LTD (A3-1008 TEDA XINTIANDI  
BUILDING 12 NANHAI

Dated: New York, New York  
December 31, 2007

Yours, etc.,

ROSNER NOCERA & RAGONE, LLP

By: \S\John P. Foudy  
Peter A. Ragone (PR - 6714)  
John P. Foudy (JF-7322)  
Attorneys for Wachovia Bank,  
National Association  
110 Wall Street, 23<sup>rd</sup> Floor  
New York, New York 10005  
(212) 635-2244

To: Chalos, O'Connor & Duffy LLP  
Attorneys for Plaintiff  
366 Main Street  
Port Washington, New York 11050

# EXHIBIT C

ROSNER NOCERA & RAGONE, LLP  
110 Wall Street - 23<sup>rd</sup> Floor  
New York, New York 10005  
(212) 635-2244  
Attorneys for Wachovia Bank, N.A.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
PADRE SHIPPING, INC.

07-cv-09682 (JFK )

Plaintiff,

-against-

YONG HE SHIPPING a/k/a YONG HE SHIPPING  
(HK) LIMITED, TRIANGIEN PORTTRANS  
INTERNATIONAL SHIPPING AGENCY, PROSPER  
SHIPPING LIMITED, YONG HE SHIPPING (HK)  
LIMITED, SHANGHAI COSFAR SHIPPING  
INTERNATIONAL CO. LTD., AGEAN CARRIERS,  
GOLDEN TAI SHIPPING LIMITED, SOUTH  
AGEAN SHIPPING, CHANGSHU HOTHEART  
INTERNATIONAL SHIPPING AGENCY, TIANJIN  
PORTTRANS INTERNATIONAL SHIPPING  
AGENCY CO., LTD, and LIANYUNGANG FAREAST  
INTERNATIONAL SHIPPING

Defendants.

**SUPPLEMENTAL ANSWER TO PROCESS OF MARITIME ATTACHMENT  
BY WACHOVIA BANK NATIONAL ASSOCIATION**

Wachovia Bank, National Association ("Wachovia"), as garnishee under a Process of Maritime Attachment dated December 6, 2007, as and for its Supplemental Answer under FRCP Suppl. Admiralty and Maritime Claims Rule B, sets forth as follows:

In response to the above referenced Order of Attachment, in addition to funds previously identified, Wachovia has restrained and is holding the sum of \$985.00 out of an Electronic Funds Transfer in progress in the total amount of \$ 985.00. The details of such transaction are as follows:

\$ 985.00

Date -1/11/2008

Originator - KONVOY DENIZCILIK LTD.STI YAFACI SK. N:5 IZMIR TR.

Originating Bank - TURKIYE IS BANKASI (ISBANK) HEAD OFFICE ISTANBUL  
TURKEY

Beneficiary Bank - BANK OF CHINA TIANJIN BRANCH TIANJIN, CHINA

Beneficiary - TIANJIN PORTTRANS INTERNATIONAL SHIPPING AGENCY CO.,LTD.

Dated: New York, New York  
January 14, 2008

Yours, etc.,

ROSNER NOCERA & RAGONE, LLP

By: \S\John P. Foudy  
Peter A. Ragone (PR - 6714)  
John P. Foudy (JF-7322)  
Attorneys for Wachovia Bank,  
National Association  
110 Wall Street, 23<sup>rd</sup> Floor  
New York, New York 10005  
(212) 635-2244

To: Chalos, O'Connor & Duffy LLP  
Attorneys for Plaintiff  
366 Main Street  
Port Washington, New York 11050